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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,526

07/24/2007

Jean-Luc Soulard

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EXAMINER

FARAHMAND, ASHIL S

ART UNIT

PAPER NUMBER

2472

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,526	<b>Applicant(s)</b> SOULARD ET AL.	
	<b>Examiner</b> ASHIL FARAHMAND	<b>Art Unit</b> 2472	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-2,4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Arguments**

1. Applicant's arguments filed 06/24/2010, with respect to claims 1 and 8 have been fully considered and are persuasive. The rejections have been withdrawn.

### **Drawings**

The Examiner recommends including a flow chart as a drawing to illustrate the method of claim 8.

### **Claim Objections**

1. Claims 1-2, 4-8 are objected to because of the following informalities:

The Examiner notes that many of the objections against independent claim 1 apply to claim 8 as well.

In claim 1, line 1, the Examiner recommends inserting "A" before "Device" in line 1 for clarity.

In claim 1, line 1, the Examiner recommends inserting -- , the device receiving packets, wherein each incoming data packet comprises a time label, the device -- between "network" and "comprising" for better clarity and also recommends removing the corresponding language from lines 3-4.

In claim 1, line 5, the Examiner recommends removing "and" and inserting a comma.

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In claim 1, lines 7 and 11, the Examiner recommends removing the term "(IPDV)" from the claims. The Examiner notes that the term "predetermined time" is interpreted broadly herein.

In claims 1 and 8, based on the claim language alone, it is indefinite whether the storage capacity or the predetermined time is "dependent on characteristics of the network." However, in light of Applicant's arguments, it is clear that the storage capacity is dependent on network characteristics. The Examiner recommends amending the claim to make this dependence explicit. The Examiner recommends inserting -- , said storage capacity -- between "(IPDV)" and "dependent".

In claim 8, the Examiner recommends referring to "the local clock" as -- the local reception clock -- to maintain consistency.

In claim 1, line 9, the Examiner recommends replacing "label" with -- labels -- for clarity. From Applicant's claim, it appears that multiple time labels are used to regenerate the clock (packets in line 9 is plural).

In claim 1, line 16, the Examiner recommends replacing "said difference" with -- said differences -- in order to highlight the fact that a plurality labels from a plurality of packets are used.

### **Claim Rejections - 35 USC § 112**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2. Claims 1-2 and 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "accumulating said difference between the time labels of the incoming data packets and the local reception clock" in lines 16-17. There is insufficient antecedent basis for this limitation in the claim. In lines 14-15 of the claim, it appears that the difference is calculated between "the time label and the regenerated local reception clock." The Examiner notes that the same issue arises with respect to claim 8 as well.

### **Allowable Subject Matter**

The following is an examiner's statement of reasons for allowance:

The prior art does not disclose, alone or in combination, a device for temporal slaving in a packet data transmission network, the device receiving packets from the network, where each incoming data packet comprises a time label, the device comprising:

a local reception clock;

a means of temporary storage for receiving packets from said network and said storage having a storage capacity for recording data received for a predetermined time (IPDV) dependent on characteristics of the network,

a means for regenerating a local reception clock as a function of the time label of the incoming packets,

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a means for reading the data in the means of temporary storage at an instant dependent on the said predetermined time (IPDV) and on the regenerated local reception clock;

wherein the means for regenerating a local reception clock comprises

a differentiator for calculating a difference between the time label and the regenerated local reception clock,

a means for accumulating said difference between the time labels of the incoming data packets and the local reception clock during a period of time and

- a decision means for comparing the said accumulated difference and the local clock and modifying the regenerated local reception clock according to said comparison.

The prior art also fails to disclose a method for performing the device's functionality.

It is noted that the closest prior art, Cloutier et al. (US 5966387), discloses a device for regenerating a local clock based on the difference between incoming time labels and a local clock.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## **Conclusion**

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1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Sundqvist et al. (US 2007/0206645 A1) discloses a variable size buffer, wherein the size is dependent on the delay variation of network traffic.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHIL FARAHMAND whose telephone number is (571)270-7079. The examiner can normally be reached on Monday to Friday, 8AM-4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Trost/  
Supervisory Patent Examiner, Art Unit  
2472

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